HON'BLE THE ACTING CHIEF JUSTICE BILAL NAZKI
AND
HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT APPEAL No.946 OF 2007

Date: 11-12-2007.

Between :

Mohd. Ayub Khan.

.....Appellant.

And

The Industrial Tribunal-cum-Labour Court, Warangal & another.

.....Respondents.

HON'BLE THE ACTING CHIEF JUSTICE BILAL NAZKI
AND
HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT APPEAL No.946 OF 2007

JUDGMENT : (Per Hon'ble Sri Justice Bilal Nazki, ACJ)

Heard learned counsel for the parties and perused the record.

The Labour Court as well as the learned Single Judge agreed that the writ petitioner had abandoned his job voluntarily with effect from 30th of August 1985 and therefore, dismissed the claim of the petitioner. The learned counsel for petitioner submits that he had not abandoned the job, but had been terminated from job with effect from 01.09.1985 and the evidence was not appreciated by the labour Court. We are conscious of the fact that this Court cannot re-appreciate the evidence.

We have gone through the evidence also and the evidence shows that from 01.09.1985, the petitioner was a regular student of a College for the years 1985-86 and 1986-87. He submits that he was attending the residence of an Executive Engineer from 6 a.m. to 12 Noon and again from 5 p.m. to 8 p.m. and he was attending the college from 1.30 p.m. to 4.30 p.m. These things are not believed by the labour Court and as such, we think this is a case of no evidence.

Appeal is accordingly dismissed.

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BILAL NAZKI, ACJ

11th December 2007.

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RAMESH RANGANATHAN, J

ajr